

ESTTA Tracking number: **ESTTA132496**

Filing date: **03/28/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	August Capital Management, L.L.C.		
Entity	Limited Liability Company	Citizenship	Delaware
Address	2480 Sand Hill Road Suite 101 Menlo Park, CA 94025 UNITED STATES		

Attorney information	Joseph D. Lewis Barnes & Thornburg LLP 750 17th Street, NW Suite 900 Washington, DC 20006 UNITED STATES xlewis@btlaw.com, lgallmon@btlaw.com Phone:202-289-1313
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Applicant Information

Application No	78936327	Publication date	02/27/2007
Opposition Filing Date	03/28/2007	Opposition Period Ends	03/29/2007
Applicant	August Ventures, Inc. 258 W. 71 Street, Suite 1A New York, NY 10023 UNITED STATES		

Goods/Services Affected by Opposition

Class 042. First Use: 2002/03/07 First Use In Commerce: 2002/05/28 All goods and services in the class are opposed, namely: Computer software development
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Attachments	August_opp.pdf (5 pages)(240554 bytes)
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Signature	/JDL/
Name	Joseph D. Lewis
Date	03/28/2007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

August Capital Management, L.L.C.)	
)	
Opposer,)	
)	
v.)	Opposition No.:
)	
August Ventures, Inc.)	
)	Serial No. 78936327
Applicant.)	
)	

NOTICE OF OPPOSITION

August Capital Management, L.L.C., a Delaware limited liability company, believes that it will be damaged by registration of the trademark AUGUST VENTURES for “Computer software development”, as shown in Application Serial No. 78936327, filed on July 24, 2006, and published for opposition on February 27, 2007 (the “Opposed Mark”), and hereby opposes said application.

As grounds for the opposition, Opposer alleges:

1. Opposer, August Capital Management, L.L.C., is a Delaware limited liability company with a place of business located at 2480 Sand Hill Road, Suite 101, Menlo Park California 94025.
2. Upon information and belief, Applicant, August Ventures, Inc., is a California corporation, with an address at 258 W. 71 Street, Suite 1A New York, New York 10023.
3. Upon information and belief, Applicant did not use the Opposed Mark prior to January 1, 2002.

4. Upon information and belief, Applicant did not use the Opposed Mark prior to January 1, 2001.

5. Upon information and belief, Applicant provides assistance to start-up ventures in the field of software.

6. Attached as Exhibit "B" hereto is a copy of the home page of Applicant's Internet web site showing the content at www.augustventures.com as of June 12, 2006, which describes the services provided by Applicant.

7. Opposer was founded in 1995, and since that time has been a leading venture capital firm which actively invests in technology companies throughout the information technology market spectrum.

8. For many years, and long prior to the adoption of AUGUST VENTURES by Applicant, Opposer used the service mark AUGUST for services in the field of capital financing, including providing capital and strategic guidance services to companies engaged in software development.

9. For many years, and long prior to the adoption of AUGUST VENTURES by Applicant, Opposer used the trade name AUGUST CAPITAL for services in the field of capital financing, including providing capital and strategic guidance services to companies engaged in software development.

10. As a result of their successful use for more than a decade, the mark and trade name of Opposer have become associated with Opposer and its high quality services in the minds of those involved with capital financing of technology ventures, including companies engaged in software development.

11. Opposer is owner of U.S. Service Mark Registration No. 2136149 for the mark AUGUST, for capital financing services. A copy of Opposer's Registration is attached as Exhibit "A".

12. The services identified in Opposer's registration and in the opposed application for the Opposed Mark are commercially related.

13. Like Opposer, Applicant provides strategic guidance and capital to companies engaged in software development.

14. The Opposed Mark so resembles the mark of Opposer, and a trade name previously used in the United States by Opposer and not abandoned, as to be likely, when used on or in connection with the services of the Applicant, to cause confusion, or to cause mistake, or to deceive, in violation of Section 2(d) of the Trademark Act, 15 U.S.C. §1052(d).

15. Applicant's mark, AUGUST VENTURES, when used on or in connection with the services recited in the opposed application, will falsely suggest a connection with Opposer in violation of Section 2(a) of the Trademark Act, 15 U.S.C. §1052(a).

WHEREFORE, Opposer prays that the Opposition will be sustained and that the application for registration of the Opposed Mark will be refused.

Respectfully submitted,

August Capital Management, L.L.C.

By: 

Joseph D. Lewis

BARNES & THORNBURG LLP

750 17th Street, N.W., Suite 900

Washington, D.C. 20006

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Attorneys for Opposer

Int. Cl.: 36

Prior U.S. Cls.: 100, 101, and 102

United States Patent and Trademark Office

Reg. No. 2,136,149

Registered Feb. 10, 1998

**SERVICE MARK
PRINCIPAL REGISTER**

AUGUST

**AUGUST CAPITAL MANAGEMENT, L.L.C.
(DELAWARE LIMITED LIABILITY COMPA-
NY)**

**2480 SAND HILL ROAD, SUITE 101
MENLO PARK, CA 94025**

**FOR: CAPITAL FINANCING SERVICES, IN
CLASS 36 (U.S. CLS. 100, 101 AND 102).**

**FIRST USE 10-18-1995; IN COMMERCE
10-18-1995.**

SN 75-007,891, FILED 10-19-1995.

MARY CRAWFORD, EXAMINING ATTORNEY

Exhibit A



AUGUST
VENTURES

Welcome to August Ventures

August Ventures, Inc. is a California corporation and private holding company with interests in various operating companies and real estate investments. In addition to developing our own entrepreneurial projects, August Ventures provides strategic guidance and capital for other young companies. Please feel free to read more [about](#) us or [contact](#) us regarding your interest.

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